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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,532	08/20/2003	Steven G. Fallows	2003P08389US	5973
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER JAKOVAC, RYAN J	
			ART UNIT 2445	PAPER NUMBER
			MAIL DATE 10/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,532

Applicant(s)

FALLOWS ET AL.

Examiner

RYAN J. JAKOVAC

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/25/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14, 16 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2003/0140141 to Mullen et al (hereinafter Mullen).

Regarding claim 1, 7, 12, Mullen teaches a method for communicating among a plurality of diagnostic medical imaging devices coupled with a network, said method comprising: identifying, automatically by a first device of said plurality of diagnostic medical imaging devices, a second device of said plurality of diagnostic medical imaging devices available for communication via said network; configuring, automatically, said first device to communicate substantially directly with said second device via said network; and facilitating substantially direct communication of data between said first and second devices (Mullen, paragraph [0043], central service facility receives data from a plurality of devices on the network. Data is transmitted from the central service facility to the devices. Information identifying particular devices is sent from the devices to the central service station where it is stored.).

Regarding claim 2, Mullen teaches the method of claim 1, wherein said identifying further comprises:

receiving, by said first device, a first identification message periodically transmitted by said second device to all of said plurality of diagnostic medical imaging devices (Mullen, paragraph [0043], computer coordinates data exchange between devices and workstations.);

transmitting a reply, by said first device, to said second device in response to said first identification message (Mullen, paragraph [0043], exchange of messages between devices and central service facility.);

receiving, by said first device, a second identification message transmitted by said second device to said first device in response to said reply; and

transmitting a confirmation, by said first device, to said second device in response to said second identification message (Mullen, paragraph [0045], transmission of data from devices after authentication by central service station.).

Regarding claim 3, Mullen teaches the method of claim 2, further comprising: configuring said second device to communicate substantially directly with said first device in response to said confirmation (Mullen, paragraph [0043] transmission of data from devices to central service station. Also, paragraph [0045], transmission of data from devices after authentication by central service station.).

Regarding claim 4, Mullen teaches the method of claim 1, wherein said configuring further comprises: appending a representation of said second device to a list of representations of devices available for communication maintained on said first device (Mullen, paragraph [0043], computer coordinate data exchange between devices and workstations. Also, service history of devices is maintained.).

Regarding claim 5, Mullen teaches the method of claim 1, wherein said facilitating further comprises: receiving a request from a user of said first device to send data from said first device to said second device (Mullen, paragraph [0044], data collection request from workstation to device.); transmitting said data from said first device to said second device (Mullen, paragraph [0044], data collection request sent from workstation to device.).

Regarding claim 6, Mullen teaches the method of claim 1, wherein said facilitating further comprises: receiving a request from a user of said first device to send data from said second device to said first device (Mullen, paragraph [0044], data collection request sent from workstation to device.); transmitting a request for said data to said second device (Mullen, paragraph [0044], data collection request sent from workstation to device.); and receiving said data in response to said request (Mullen, paragraph [0044], collected data transmitted to web server.).

Regarding claim 8, 13, Mullen teaches the communications interface of claim 7, wherein said identification logic is further operative to periodically broadcast an identification message to

said other diagnostic medical imaging devices (Mullen, paragraph [0044], data collection request sent from workstation to device.), said identification message operative to solicit responses from said other diagnostic medical imaging devices (Mullen, paragraph [0044], data collection request sent from workstation to device.), wherein upon receipt of a solicited response from a one of said other diagnostic medical imaging devices, said identification logic is further operative to transmit a confirmation request to said one of said other diagnostic medical imaging device (Mullen, paragraph [0045], software is downloaded.), and wherein said configuration logic is further operative to configure said first diagnostic medical imaging device based on receipt of a response to said confirmation request (Mullen, paragraph [0044], data collected and transmitted from devices. Data is compiled into a service history.).

Regarding claim 9, Mullen teaches the communications interface of claim 7, wherein said identification logic is further operative to receive an unsolicited identification message from one of said other diagnostic medical imaging devices, said identification logic being operative to transmit a reply message to a sender of said unsolicited identification message and transmit a confirmation message to said sender in response to receipt of a confirmation request (Mullen, paragraph [0043], transmission of data to database and subsequent access of data.).

Regarding claim 10, Mullen teaches the communications interface of claim 7, wherein said communication logic is further operative to receive a selection from a user of data and one of said other diagnostic medical imaging devices, said communication logic being operative to transmit said data from said first diagnostic medical imaging device to said one of said other

diagnostic medical imaging devices (Mullen, paragraph [0043], transmission of data to database and subsequent access of data.).

Regarding claim 11, Mullen teaches the communications interface of claim 7, wherein said communications logic is further operative to receive a selection from a user of one of said other diagnostic medical imaging devices, said communications logic being further operative to request that said one of said other diagnostic medical imaging devices identify data stored therein in response to said selection, and wherein a representation of said identified data is provided to said user, said communication logic being further operative to receive a selection from said user of data from said identified data and, in response to said selection, transmit a request for said data to said one of said other diagnostic medical imaging device (Mullen, paragraph [0043], transmission of data to database and subsequent access of data.).

Regarding claim 14, Mullen teaches the communications architecture of claim 12, wherein said plurality of diagnostic medical imaging devices include at least one device selected from the group comprising: diagnostic a medical image acquisition system, a diagnostic medical imaging reviewing workstation, a diagnostic medical imaging server, and a diagnostic medical patient monitor (Mullen, Fig. 3, central workstation (i.e. a diagnostic medical imaging reviewing workstation), computer (i.e. diagnostic medical imaging server), scanner (i.e. diagnostic a medical image acquisition system)).

Regarding claim 16, Mullen teaches a communications architecture comprising: a plurality of diagnostic medical imaging devices; networking means for interconnecting each of said plurality of diagnostic medical imaging devices (Mullen, Fig. 3); and wherein each of said plurality of diagnostic medical imaging devices comprises means for automatically discovering at least one other of said plurality of diagnostic medical imaging devices via said network and facilitating communications therebetween (Mullen, paragraph [0043]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Mullen.

Regarding claim 15, Mullen teaches the communications architecture of claim 12, wherein said network comprises at least one of a wired (Mullen, Fig. 3). Mullen does not expressly disclose a wireless network, however, having a wireless network is a mere variation of connectivity which at the time of invention would have been well known to one of ordinary skill in the art

It would have been obvious to one of ordinary skill in the art at the time of invention to combine a wireless network with the communications architecture of Mullen in order to be able

to provide the well known advantages such as connectivity and mobility. In determination of obviousness as noted above, which is mere variation of the structure provided by Shabot, Examiner cites the KSR decision in accordance with MPEP 2141 "When a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill. *Id.* at ___, 82 USPQ2d at 1396."

Response to Arguments

1. Applicant's arguments filed 07/25/2008 have been fully considered but they are not persuasive.
2. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
3. Applicant argues that Mullen fails to disclose *identifying, automatically by a first device of said plurality of diagnostic medical imaging devices, a second device of said plurality of diagnostic medical imaging devices available for communication via said network*. The examiner respectfully disagrees. Paragraph [0043] of Mullen discloses that central service facility receives data from a plurality of devices on the network. Data is transmitted from the central service facility to the devices. For data to be transmitted between two devices, the devices must identify

each other in order to direct the messages appropriately. This limitation is similarly claimed in claim 7 and is thus rejected on the same grounds. The applicant makes similar arguments in regards to claim 12, however the devices of Mullen detect each other and route messages back and forth between the devices, and therefore it is inherent that the devices "discover" one another.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2445